

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 191 / 2019 (S.B.)

Pradeep Diwakarrao Karkade,
Aged about 57 years,
Occ. Service,
R/o Near Bank of Maharashtra,
Mul, District Chandrapur.

Applicant.

Versus

1) The State of Maharashtra,
through its Secretary,
Employee Guarantee Scheme,
Mantralaya, Mumbai.

2) Collector,
Chandrapur.

Respondents

Shri S.P.Palshikar, Id. Advocate for the applicant.

Shri V.A.Kulkarni, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 13th Feb., 2023.

Judgment is pronounced on 10th March., 2023.

Heard Shri S.P.Palshikar, Id. counsel for the applicant and
Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. The applicant joined as Mustering Assistant on 20.04.1985.
With some breaks he worked upto 1992. He then filed ULP Complaint No.
107/1992. By communication dated 29.07.1995 (A-1) Mustering

Assistants like the applicant were directed to be reinstated. The applicant, therefore, withdrew the complaint. He was reinstated and worked till his retirement on superannuation on 30.11.2021. He was entitled to benefits of G.Rs. dated 01.12.1995 (A-4) and 21.04.1999 (A-5). To get service benefits he made a representation dated 30.12.2019 (A-6). Identical relief was granted by this Tribunal by order dated 05.07.2016 (A-8) passed in O.A. No. 316/2016 on 05.07.2016.

3. Though, respondent no. 2 has resisted the original application on various grounds, the issue involved is no longer res-integra. In **Shaikh Miya S/o Shaikh Chand Vs. State of Maharashtra, Hon'ble Supreme Court has held, by judgment dated 07.09.2022**, that Mustering Assistants like the applicant shall be notionally treated to have been absorbed/ regularized in government service on 31.03.1997 and entitled to get benefits accruing as a consequence thereof. Hence, the order:-

ORDER

The applicant is held entitled to benefits flowing from determination of date of his absorption/ regularization as 31.03.1997. The same shall be

paid to him within three months from today. **The O.A. is allowed in these terms with no order as to costs.**

(Shri M.A.Lovekar)
Member (J)

Dated :- 10/03/2023.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 10/03/2023.
and pronounced on

Uploaded on : 13/03/2023.